



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

AAS:JMH/FJN/MAA/SAC  
F. #2019R00929

*271 Cadman Plaza East  
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August 11, 2022

By ECF

The Honorable Eric R. Komitee  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Baimadajie Angwang  
Criminal Docket No. 20-442 (EK)

Dear Judge Komitee:

The government is in receipt of the Court's opinion and order granting the government's motion under the Classified Information Procedures Act, Title 18, United States Code, Appendix III, Section 4. See ECF No. 115 (Aug. 11, 2022) ("the CIPA IV Order"). In the CIPA IV Order, the Court directs the government to complete its production of unclassified admissions and classified substitutions by August 12, 2022. The Court further directed the parties to "apprise the Court as quickly as possible" in the event that either party believed that "this timeline is too accelerated to permit adequate review and contemplation." Id. at 13.

As to the classified substitution, the government will endeavor to meet the Court's production deadline. To complete the production, however, the government respectfully requests that the Court first enter the pending motion for a protective order under CIPA Section III. See ECF No. 84-1, at ¶¶ 5-7 (Jan. 25, 2022) ("the CIPA III Motion"). Once granted, the CIPA III order will set out the procedures to be followed with respect to the handling of classified information in this case, including as applied to cleared defense counsel in the event that the defense chooses to make any classified filings in this case pursuant to CIPA Section V. The government also respectfully submits for the Court's review and approval the proposed Memorandum of Understanding ("the MOU"), which defense counsel will be required to sign before receiving any classified information, as anticipated in the CIPA III Motion. See Ex. A; see also CIPA III Motion at ¶ 5.

In addition, to complete the production of the classified substitution, the government must also engage the assistance of the Classified Information Security Officer (“the CISO”). The government has reached out to the CISO this evening.

With respect to the unclassified admissions, the government will complete the production as ordered. See CIPA IV Order at 12.

Respectfully submitted,

BREON PEACE  
United States Attorney

By:                     /s/                      
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Enclosures (1)

cc: Clerk of Court (EK) (by ECF)  
John F. Carman, Esq. (By ECF and By Email)

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

No. 20-CR-442 (EK)

- against -

BAIMADAJIE ANGWANG,

Defendant.

- - - - - X

MEMORANDUM OF UNDERSTANDING

1. Having familiarized myself with the applicable laws, I understand that I may be the future recipient of information and documents that (a) pertain to the national security of the United States, (b) and which are the property of the United States, and (c) that such documents and information, together with the methods of collecting such information, are classified according to security standards set by the United States government.

2. I agree that I shall never divulge, publish or reveal, either by word, conduct or any other means, such classified information and documents unless specifically authorized to do so in writing by an authorized representative of the United States government, or as required by the Classified Information Procedures Act, by the Protective Order Regarding Classified Information issued in the above-captioned case, or as otherwise ordered by this Court.

3. I understand that this agreement will remain binding upon me after the conclusion of trial or guilty plea in United States v. Baimadajie Angwang, Criminal Docket No. 20-442 (EK), and any subsequent related proceedings including the appellate process.

4. I have received, read and understand the Protective Order Regarding Classified Information entered by the United States District Court for the Eastern District of New York in the above-captioned case, and I agree to comply with the provisions contained therein.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
John F. Carman, Esq.

\_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Witness Name

\_\_\_\_\_  
Witness Signature